

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

| <b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>  | <b>Plaintiffs' Executive Committee for Commercial Claims</b>                        |
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| Ronald L. Motley (1944-2013)<br>Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i><br>MOTLEY RICE LLC<br>James P. Kreindler, <i>Co-Chair</i><br>KREINDLER & KREINDLER LLP | Stephen A. Cozen, <i>Co-Chair</i><br>Sean Carter, <i>Co-Chair</i><br>COZEN O'CONNOR |
| Andrew J. Maloney III, <i>Co-Liaison Counsel</i><br>KREINDLER & KREINDLER LLP<br>Robert T. Haeefe, <i>Co-Liaison Counsel</i><br>MOTLEY RICE LLC                                      | J. Scott Tarbutton, <i>Liaison Counsel</i><br>COZEN O'CONNOR                        |

VIA ECF

December 7, 2021

The Honorable George B. Daniels, U.S.D.J.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)  
Adoption of R&R at ECF No. 7141 regarding Wa'el Jelaidan

Dear Judge Daniels:

The Plaintiffs' Executive Committees, on behalf of all plaintiffs in the above-referenced MDL with claims against defendant Wa'el Jelaidan, write to ask that the Court adopt in whole the September 27, 2021 Report and Recommendation of Magistrate Judge Netburn [ECF No. 7141] and strike the answer of defaulting defendant Wa'el Jelaidan and enter a default judgment against him for all cases pending in this MDL for which he is named as a party.

After a tortured history of multiple efforts, by the Court and plaintiffs, to encourage defendant Jelaidan to participate in this litigation in good faith, plaintiffs moved on August 27, 2021 to impose the sanction of default against Jelaidan [ECF No. 7079], which Magistrate Judge Netburn recommended that this Court impose [ECF No. 7141]. In her September 27, 2021 Report and Recommendation [ECF No. 7141], Magistrate Judge Netburn recounted the "long and convoluted" history of Jelaidan's non-compliance and the Court's earlier efforts to prompt his compliance, which efforts Jelaidan has rebuffed or ignored. Magistrate Judge Netburn concluded the Report and Recommendation by recommending "that defendant Wael Jelaidan's answer be struck and a default judgment be entered against him for all cases pending in this MDL for which he is named as a party." ECF No. 7141 at 9.

The Report and Recommendation was entered on September 27, 2021, with notice that any objections that were not filed with the Clerk were waived for purposes of appeal. ECF No. 7141 at 10. Since the date that the Report and Recommendation was filed, no objections have been filed with the Clerk or delivered to plaintiffs.

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For the reasons set out in Judge Netburn's Report and Recommendation [ECF No. 7141] and in the plaintiffs' request that the Court impose the sanction [ECF No. 7079], plaintiffs ask that this Court adopt in full the Report and Recommendation, strike Jelaidan's answer, and enter a default judgment against Jelaidan in all cases pending in this MDL for which Jelaidan is named as a party.

Respectfully submitted,

COZEN O'CONNOR

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For the Plaintiffs' Exec. Committees

cc: The Honorable Sarah Netburn, via ECF  
All Counsel of Record via ECF